

# Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved March 1, 2012

THURSDAY, February 2, 2012, 7:00 p.m.  
Council Chambers, 26379 Fremont Road

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## 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins and Commissioners Abraham, Clow, Harpootlian and Partridge.

Absent: None

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; and Sarah Corso, Community Development Specialist.

## 2. PRESENTATIONS FROM THE FLOOR – none

## 3. PUBLIC HEARINGS-

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Abraham visited the site for item 3.1. Commissioner Clow spoke to the applicant, and previously when the application came before the Planning Commission he spoke with most of the neighbors for item 3.2. Commissioner Partridge spoke with Jenna Ellis, Tim Kelly (project manager), and neighbors Gary Chang and Beverly Barkhau for item 3.2. Commissioner Abraham spoke with Jenna Ellis and the project manager for item 3.2. Commissioner Harpootlian meet with Jenna Ellis and Tim Kelly (project manager), and neighbor Beverly Barkhau for item 3.2. Chairman Collins had contact with Lisa Warren for item 3.2.

- 3.1 LANDS OF GLASSMAN, 2000 Old Page Mill Road; File #310-11-ZP-SD; A request for a Site Development Permit to replace an approximate 1,900 linear foot gravel driveway with a permeable concrete driveway. The proposal is subject to Planning Commission and City Council review pursuant to a Conservation Easement that covers the entire 10.9 acre property. CEQA Review: Categorical Exemption per Section 15302 (staff-Brian Froelich).

Brian Froelich, Associate Planner, presented the staff report. The property is a flag lot that sits on 10.82 acres. The entire property lies within a conservation easement. The easement agreement requires any proposed changes to the driveway be heard by the Planning Commission and City Council. The application is a request to replace a 1900 feet long gravel driveway. The driveway is proposed to be in the same location and will be replaced with permeable concrete. The proposal

was routed to the Open Space Committee who has expressed support for the project. There has been no input from neighbors.

Commissioner Harpootlian asked staff how they could be sure the new concrete is permeable and if permeable concrete is counted towards MDA similar to gravel.

Associate Planner Froelich explained that staff would do a final inspection and the applicant will be required to provide details describing the surface. He explained that per the development area policy, permeable concrete is given a credit of 70 percent. In this case the driveway is actually further from the residence than 100 feet so there is no net increase or decrease. The zoning ordinance only counts the first 100 feet of the driveway towards MDA and the rest is exempt.

#### CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Ms. Glassman, applicant, explained to the Commission that she has a large property with a difficult driveway. Within a year and a half she has gone through a remarkable number of tires and is looking for a way to improve the driveway within the parameters of the conservation easement. She stated that she has worked with the Open Space Committee and believes she has found a solution.

#### CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Clow stated that he supports the application and recommends to the City Council that they approve the request.

Commissioner Partridge said that he has driven on the driveway a few years ago and can see why the applicant would want to change the driveway.

Commissioner Abraham stated that he supports the project.

Commissioner Harpootlian complimented the applicant on being a good steward for the property and supports the project.

Chairman Collins stated that she supports her fellow commissioners and supports the application.

#### MOTION MADE, AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE:

Commissioner Clow moved that the Planning Commission recommend to City Council that they approve the application. Seconded by Commissioner Abraham.

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| AYES:    | Commissioners: Abraham, Clow, Harpootlian, Partridge, and Chairman Collins |
| NOES:    | None   |
| ABSENT:  | None   |
| ABSTAIN: | None   |

- 3.2 LANDS OF HOMA NATOMA, 27270 Palomino Place; File #148-11-ZP-SD-GD; A request for a Site Development Permit and a Grading Policy Exception for a 2,330 square foot swimming pool, pool decking, tennis court, and landscape screening plan for the 25,273 square foot new residence approved by the Planning Commission on August 5, 2010. A portion of the proposed swimming pool and pool decking are subject to a Grading Policy Exception for filling up to five (5) feet where three (3) feet is the maximum allowed pursuant to the Town's Grading Policy. CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Brian Froelich).

Brian Froelich, Associate Planner, presented the staff report. The application is for a landscape screening plan, tennis court, swimming pool, and a grading policy exception. The item is before the Commission per the conditions of approval as well as the Estate Homes Ordinance which requires all landscape screening plans for estate homes to be heard by the Planning Commission. The site is 4.9 acres with an average slope of 9.5%. The approved floor area is just over 25,000 square feet and the development area, including the current proposal, is just over 38,000 square feet. Access to the property is from Palomino Place.

The current proposal includes a 6,800 square foot tennis court, a 340 square foot pergola, a 290 square foot transformer pad, two air conditioning and pool equipment pads at 700 square feet and 110 square feet, a 650 square feet bocce court, and a 5,400 square foot pool and decking. There is also a complete planting plan with irrigation plans that comply with the Water Efficient Landscape Ordinance. The grading policy exception is limited to the pool and a portion of the decking. With the previously approved plans there was two feet of fill proposed for the pool area. The current plans show the coping edge and the top of the decking at a maximum of five feet over existing grade, and a total of seven feet over natural grade. Staff recommends denial of the grading policy exception, noting that there are possible design alternatives. Staff received multiple letters from neighbors expressing concern for the project and requesting additional time to consider the possible mitigations and plan changes. There was one letter of support for the project.

Associate Planner Froelich noted that neighbors have expressed concerns about noise from the ten proposed AC units. The plans for the estate home reviewed by the Planning Commission on August 5, 2010 showed the AC units located in basement mechanical rooms. The applicant requested the change in location because there are difficulties with placing the AC units underground. To mitigate neighbor's concerns regarding noise, staff recommends the addition of condition number seven (7) to the project, which requires the applicant have a qualified consultant test all equipment and provide verification of compliance with the Town's Noise Ordinance.

Commissioner Partridge asked Associate Planner Froelich how the testing for noise level would be conducted.

Associate Planner Froelich responded that all fixed noise sources would need to be running at once.

Commissioner Harpootlian asked staff if the noise would be measured at 40 dB from the property line.

Associate Planner Froelich answered in the affirmative and explained that the neighbor closest to the AC units is about 168 feet away.

Planning Director Debbie Pedro clarified that the decibel level limits for a fixed noise source is 40 dB for night time and 50 dB for day time.

Commissioner Clow asked staff about the grading exception. His understanding is that 80 percent of the fill is water. He does not agree that water is fill and believes that fill pertains to more solid material such as dirt or rocks.

Associate Planner Froelich explained that the Town's engineering staff considers the edge of the pool coping to be fill.

Commissioner Clow asked staff if the edge of the pool can be considered a structure. As a possible alternative he stated that the decking could be developed in a way that it becomes an underground structure, which would be considered an accessory building, with the terrace acting as the roof. This would eliminate the need for a grading exception.

Commissioner Harpootlian asked staff if an updated landscape plan had been submitted. When he met with the applicant she indicated that an updated landscape plan was going to be submitted.

Associate Planner Froelich stated that a revised landscaping plan had not been submitted or discussed with staff.

#### CHAIRMAN COLLINS OPENED THE PUBLIC HEARING

Jenna Ellis, applicant, stated that she has attempted to meet with her neighbors to discuss the current submission and make changes based on their suggestions. She is requesting a grading exception because the design of the pool needs to be handicap accessible and viewable from the house. The proposed location of the pool is placed as far from all the neighbors as possible. The pool is more than 200 feet from the property line and is minimally visible from off site. She explained that alternative pool designs were explored but all reduced the handicap accessibility and safety for her small children, posed greater potential for noise nuisance to neighbors, worsened the views for some neighbors, and increased off haul by two to three hundred cubic yards. From both the house and terrace, the line of sight to swimmers decreased as the pool elevation dropped. The applicant stated that with handicapped parents and small children it is important to have pool visibility. The applicant stated that while staff has interpreted the grading policy to mean that the pool is fill; she interprets the Estate Homes Ordinance as identifying a pool to be a structure, not fill. She hopes that the Commission will consider her interpretation and approve the pool as presented.

Next, the applicant discussed the tennis court which is located in the northwest corner of the property. The current location of the tennis court allows the applicant to preserve two large Heritage Oak trees. The applicant has redesigned the driveway as previously requested by the Changs, to reduce the impact of headlights. The applicant stated that she understands the primary concern of her neighbors is noise, and she has come up with an alternative location for the tennis

court which would rotate the court by 90 degrees and pushes it 30 feet to the east. This would mean that the two Heritage oak trees and one Walnut tree would need to be removed. The applicant is willing to replace the Heritage Oak trees with four new Box Oak trees. The applicant suggested that moving the tennis court location would allow the electrical transformers to be relocated, which was a concern of the neighbors.

Next, the applicant addressed the air conditioning equipment. She stated that the equipment was removed from the roof and sunk into the ground to reduce noise. The applicant confirmed that with all of the AC units running at full load the noise level would be 34 to 35 dB at the property line. She explained that the pool equipment is adjacent to the house and is more than 100 feet from the west property line, emergency generators are 55 feet from the property line, and the electrical transformers are 30 feet from the property line. As proposed by the acoustical engineers, all elements will be enclosed. The applicant stated that she is willing to make changes on behalf of the neighbors. As proposed by the acoustical engineers, the applicant is proposing to fully enclose the pool equipment and emergency generator vaults, will include an acoustical treatment to the inside of the equipment enclosure, and has proposed to drop the elevation of the equipment pads.

The applicant explained that in regards to plantings, most of the property will remain a meadow, un-irrigated, and preserved with Heritage Oaks trees. The proposed plantings are mostly native Mediterranean plants that require low water and maintenance. The location and type of plantings is intended to provide screening without blocking existing views. The applicant stated that the intention of the original planting submittal was to keep the plants appropriately pruned beneath the roof ridgeline. In response to neighbor concerns, the applicant put together a list of proposed planting substitutions. The applicant presented the Commission with the list. The applicant asked the Commission to approve the landscape submittal as it was originally presented, or with all or some of the proposed changes.

Commissioner Clow asked the applicant to explain the dB of the AC units and asked how much noise would actually be heard.

The applicant's acoustical engineer explained that during the day time, ambient noise from other variables such as birds is around 35 dB. He explained that in the acoustical study conducted for the project, solutions were identified to bring to noise level as close to the ambient level as possible.

Commissioner Abraham asked the landscape architect about his analysis of the height of the trees and if the plantings, as submitted, would disrupt views for any of the neighbors.

The applicant's landscape architect explained that a number of the larger trees may block the view for some neighbors, specifically the Chinese Elms located at the front of the house. He explained that the proposed changes to the current landscape plans suggest alternative dwarf versions of many of the originally proposed plantings and that the plantings in the new proposal should not disrupt the view corridors of the neighbors.

Shohreh Malek, neighbor on Altamont Road, requested a continuation of the project, stating that there has not been adequate time to review the most recent changes to the plans. She requested that the newly proposed plants not exceed the height of the roof line, and plants adjacent to the fences should not exceed the height of the fence. She also requested the removal of an existing Walnut

tree which currently blocks views from her property, and that the applicant thin out all overgrown trees, especially those lining the north and west boundaries. Mrs. Malek expressed concern for the noise pollution that she believes would be generated by the ten AC units, generator, pool equipment, and transformers. She suggested that the applicant use the previously approved equipment layout. She expressed concern for the noise generated from the tennis court and impacts of the proposed lighting.

Chairman Collins asked the neighbor if she had a chance to review the most recent landscape proposals.

Mrs. Malek stated that she has viewed the new plantings, appreciated the suggestions, and believes they are workable solutions. She stated that her greatest concern is that there was not enough time to look over the new proposals and she would like to see a formal plan with the proposed changes.

Commissioner Partridge asked the applicant to elaborate on the Walnut tree she requested the applicant remove.

Mrs. Malek explained that near the proposed tennis court there are two Walnut trees. The tree to the left is already proposed to be removed, but the tree to the right, which blocks her view, is not proposed to be removed. Mrs. Malek stated that she was under the impression that if neighbors requested the clearing of Oak trees, they could achieve it by working together.

Commissioner Partridge asked Mrs. Malek to clarify that the fence she has requested plantings not grow above, is an existing fence on her property.

Mrs. Malek stated that the fence is existing. She believes it is a five foot fence and explained that when the weeds grow above the fence line she cannot see anything.

Sandy Katz, neighbor on Altamont Road, stated that she agrees with everything the previous neighbor said. She explained that her biggest concern is to maintain views. The roofline of the applicant's new home blocks views of the bay from her cottage which is located behind her mother's home. To the east she still has views of the hills and would like to protect her views. The original landscape screening plans would take away any view she has of the hills. She stated that there was not enough time to adequately review the newly proposed landscape plans and requested the Commission postpone making a decision on the project.

Commissioner Harpootlian asked Ms. Katz if she had attended the Tuesday meeting with the applicant where the landscaping plans were discussed with neighbors.

Ms. Katz explained that at the meeting the applicant presented the old landscape plans with a supplemental sheet identifying some changes. She reiterated that adequate time was not given to fully consider the new plantings.

Paul Stachower, neighbor on Almaden Court, stated that he is not satisfied with the meeting on Tuesday where the applicant presented an old set of plans and explained what the possible changes would be. He explained that issues aside from the plantings were not discussed. He is concerned that his house, which is parallel to the applicant's house and faces multiple AC units on the

applicant's property, will be impacted by noises generated by the equipment which will cause an echo effect between the two homes. He requested that if the applicant has to install the AC units in the open, that they be installed north of the home.

Gary Chang, neighbor on Carrington Circle, stated that his main concern is the placement of the tennis court. He does not like the location of the tennis court as shown in the submitted set of plans, but does like the proposed change of rotating the tennis court by 90 degrees. As originally proposed, the court follows the length of his property line and was proposed to be 30 feet from his property line. He is greatly concerned about the noise impact of the court and the possibility of balls flying over his fence and harming someone or damaging his property. He appreciates the applicant meeting with him and taking his concerns into consideration such as rotate the tennis court by 90 degrees. He also stated concern for his view being blocked by overgrown trees and the proposed fence around the tennis court.

Commissioner Abraham asked Mr. Chang how he would feel about the tennis court remaining in its currently proposed location but being sunk into the ground. He suggested that sinking the court would lower the visibility and noise of the tennis court.

Mr. Chang stated that he does not believe it is a good idea because the tennis court sits almost along the entire line of his property.

Lisa Warren, daughter of a neighbor on Altamont Road, stated that she agrees with everything the other neighbors have said. She hopes that the Town is proactive in protecting the views of neighbors. She asked that no plantings and trees that will grow above the ridgeline or in open spaces be allowed where there is currently nothing blocking the views of neighbors. She stated that what the applicant showed the neighbors on Tuesday is heading in the right direction; however she was not satisfied with the responses given on other topics presented in the Tuesday meeting. Mrs. Warren requested that the hearing be continued to a future Planning Commission meeting. Mrs. Warren expressed concern that what the applicant says she is going to do may not be what is actually done because the plans have not been formally submitted to staff and the Commission.

Commissioner Harpootlian explained that with regard to landscaping, what is approved by the Commission for this project is what the applicant will be planting now. However, after two years the applicant may choose to plant an 80 foot tall tree and they would not be required to come back to the Commission. He stated that the Town's View Ordinance is what will protect them over the long term.

Pat Ley, member of the Environmental Design and Protection Committee stated that the landscape architect has used the Sunset Garden book to identify the heights of proposed trees and shrubs. She stated that the figures presented are not practical because they consider the perfect specimen with the perfect conditions. She explained that a landscape architect usually considers a tree that grows three quarters of the maximum height to have been achieved in perfect conditions.

Israel Niv, neighbor on Natoma Road, explained that his views will not be impacted by the applicant's landscape screening plans. He stated that he feels this may be an attempt to stop the Ellis' from building their dream home. He explained that the applicant has paid good money for the home, has tried to follow all of the ordinances, and has been cooperative with neighbors. He

believes he will be most impacted by rotating the tennis court 90 degrees, and hopes he is not greatly impacted by the noise. He stated that he is not concerned with the AC units because he predicts that the noise produced by the units will be less than what he hears from other places in town.

Jenna Ellis, applicant, readdressed the Planning Commission. Regarding the comment of continuance due to a lack of formal documentation, she stated that she is not sure of the normal Town procedures. She explained that her expectation is that the Commission can give a very specific and qualified approval that identifies conditions or recommendations for the plantings.

Regarding the argument for moving the AC units indoors, the applicant stated that the noise generated is well within the Noise Ordinance. Mrs. Ellis explained that she intends on maintaining her equipment and keeping the noise level in compliance with the Town ordinance.

With regards to the request for a continuance and the neighbors not being given adequate time to review the plans, the applicant stated that one week prior to the staff report coming out she personally went to each of the fence line neighbors and put in their mail box a letter introducing the project which included her contact information and a request to contact her with any questions or concerns about the project. She stated that she did not receive any calls. One neighbor met with her on the Thursday prior to the hearing, at which point the applicant came up with a list of plant alternatives that were presented to neighbors at a meeting the following Tuesday. The applicant proposed that if the hearing is postponed, she and her neighbors be required to attend a meeting in the following week to discuss all of the existing concerns. The applicant stated that she is more than willing to work with the neighbors but would like some specific parameters.

Commissioner Partridge asked the applicant about rotating the tennis court. He stated that normally to approve something like this, there would need to be plans showing the elevations, etc. He asked the applicant what the status was on the plans and how she felt about moving the tennis court.

The applicant stated that she does not have a formal set of plans pertaining to the alternative position of the tennis court. She stated that the elevation proposed is elevation 693 which meets the grading policy. She explained that she is happy to move the tennis court on behalf of the Changs.

Commissioner Abraham asked the applicant how she feels about sinking the tennis court two to three feet into the ground.

The applicant stated that she is open to the idea but there is an additional expense associated with sinking the tennis court.

Commissioner Abraham asked the applicant what the sound improvement would be if the tennis court was sunk into the ground.

The applicant's acoustic engineer stated that depressing the court into the ground four or five feet, with the assumption that most strokes are ground strokes, would knock off about seven to ten dB at that portion of the court.



Commissioner Clow stated that his understanding of the AC units is that they were going to be sunk into the ground and have a roof.

The applicant responded that she cannot put roofs over the AC units because they require air intake. She explained that there was a proposal to treat the inside of the enclosure with an acoustical treatment and to lower the pads into the ground. She stated that the improvements are not listed in the submitted plans but have been proposed in response to neighbor concerns.

The applicant suggested that the AC equipment be approved at their proposed location with a condition to add a one inch thick pyrok acoustament (noise attenuation), and to lower the equipment pad of the bank of six to three and a half feet, and the bank of four by two and a half feet.

Commissioner Partridge stated that according to the Town's Grading Policy, pools are allowed four feet of cut and three feet of fill. He questioned the applicant's findings which support the need for a grading exception.

The applicant stated that she has a different interpretation of fill than what the Town is considering. She does not believe the pool should be interpreted as fill. She stated that her request for a grading exception is for accessibility and safety. She explained that the house was designed to be handicap accessible for her husband's parents and that it is important for her to be able to see her children from the house when they are in the pool.

Commissioner Partridge asked the applicant if there was another way she could achieve her goals of accessibility and safety while complying with the Town's Grading Policy.

The applicant stated that she has explored other options and has not found an alternative that meets both the accessibility and safety component.

Mark Helton, civil engineer for the applicant, stated that with regards to the pool, he understands that everything down to the coping is considered fill. However, the pool has an infinity edge which is down an extra foot, and therefore the pool is technically only four feet at the downhill edge.

Commissioner Partridge asked Mr. Helton if the patio area is at the same level as the infinity edge.

Mr. Helton stated that the patio is at the same level as the coping. He explained that he can relocate the pool equipment under the patio which would change the use of the deck and turn it into a structure, avoiding the need for a grading exception. He stated that he hesitates to make the change but that it is a consideration.

Chairman Collins stated that this option is a design consideration and the Commission is not asking the applicant to make the change tonight.

Commissioner Harpootlian stated that if the Commission chooses to continue the hearing it is because the Commission is looking at a new set of landscape plans that they and staff have not had a chance to review. The Commission is also looking at an alternative location for the tennis court that they do not have concrete plans for. He explained that there are a number of things that are

good suggestions but are being presented late to the Commission. He stated that it is important for staff and the Commission to have a chance to better understand the plans.

The applicant stated that she is fine with the current plans as it has been submitted to the Commission. She is not personally asking to make any of the proposed changes, but she is willing to make the changes to accommodate her neighbors. The applicant stated that she would like the Commission to come to a decision tonight on the plans that have been submitted, including the suggested changes.

#### CHAIRMAN COLLINS CLOSED THE PUBLIC HEARING

Commissioner Harpootlian stated that there are multiple ways the Planning Commission can approach the project. In regards to landscaping, he stated that the Commission does not have enough information to fairly evaluate the plans. With regards to the tennis court, he stated that he is partial to the alternative position but would like to see story poles showing the location and height of the court. Regarding the AC units, he stated that he approves of the location with the changes proposed by the applicant. With regards to the grading exception, he stated that he feels the Commission has enough information to come to a decision. He stated that he believes the AC units and the pool are two things that can be discussed; however the Commission has not had a fair chance to look at the landscape plans and tennis court. Commissioner Harpootlian asked Director Pedro if the Commission could vote on a portion of the application and continue the rest.

Director Pedro does not recommend partial approval of the application but suggests that the Commission can provide specific recommended changes to the plans

Commissioner Harpootlian stated that the Commission should provide input on the plans and continue the hearing to a future meeting of the Planning Commission.

Commissioner Abraham stated that the applicant has adequately addressed all issues brought up in the hearing. He supports rotating the tennis court due to the fact that the only neighbor to be impacted has expressed support for the change. Regarding the pool and grading policy exception, he stated that there are a number of valid considerations such as ADA compliance, safety concerns brought up by the applicant, the design of the pool's infinity edge which softens the impacts of the pool, and he considers what the Town is calling fill to really be structure. He stated that the ordinance is written in a way that one size is supposed to fit all property types; however, what applied to a one acre lot may not be equivalently applied to a five acre lot due to lot size. He stated that a big consideration regarding the pool is that none of the neighbors have a problem with the grading issue. He does not believe that the AC units will be a nuisance because the noise generated will be low, as indicated by the project's acoustic engineer. Regarding landscaping, he stated that the new proposals, as indicated by the landscape architect, will be sufficient to keep everything under the roof line. He would like to see the project approved this evening with relocating the tennis court, the planting substitutes as indicated by Mrs. Ellis, and with the grading policy exception approved.

Commissioner Partridge stated that he agrees with Commissioner Harpootlian that there have been too many changes made to the plans to vote on the project. He would like the Commission to continue the hearing to a future meeting and see recommendations provided to the applicant

regarding landscaping, and rotating and sinking the tennis court. He commended the applicant for working to accommodate the concerns of neighbors. Regarding the tennis court, he would like to see revised plans and story poles. His guidance for the project, if the Commission chooses to continue it, would be to emphasis on cut for the tennis court, unless fill is required to comply with the grading policy. He stated that lowering the tennis court and removing the tree near the proposed tennis court will greatly improve the views from the Chang residence. Regarding the AC units and the pool equipment, he is satisfied that the units will be well protected and the noise will be minimal. Regarding the grading policy exception, he explained that he does not know if there is precedent for raising the pool, and if he were to set precedent by allowing an exception, there needs to be strong findings. He is not convinced that an effort has been made to find an alternative design for the pool.

Commissioner Clow stated that he agrees with Commissioner Partridge about the applicant having worked hard to accommodate the concerns of the neighbors. He read from the Town's Municipal Code, stating that in the Town's ordinance a pool is considered a structure. He explained that if the swimming pool is surrounded by dirt then there is a concern, however if the pool is standing above the ground, it should not require a grading exception. He argued that fill is not water and if a swimming pool is a structure above the dirt then it is not fill, but rather a structure standing on the dirt. He explained that at the very least it is ambiguous to whether the pool is a grading exception or not. He stated that with the compromise of putting the pool equipment in a closure under the patio, the patio would not be considered fill as well, which would eliminate the need for a grading exception. He supports the landscape changes but he has not heard of requiring applicants to remove existing trees to create views for neighbors.

Chairman Collins stated that she supports the comments of Commissioner Harpootlian and Commissioner Partridge. She would like to see the hearing continued for the same reasons stated by the other two Commissioners. She suggested that the Planning Commission provide guidance on the changes that were suggested during the hearing by the applicant. She stated that the newly proposed plantings are positive changes that the neighbors need more time to review.

**MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE:**

Commissioner Harpootlian moved to continue the hearing to a future meeting of the Planning Commission and provided the following suggestions: 1) the tennis court should be rotated to an alternative position. 2) the applicant should use the proposed planting alternatives presented to the Commission during the hearing, as a guide for landscape, which the Commission would like to see reflected on revised plans. 3) the AC units be lowered with additional sound proofing as proposed by the applicant. 4) Commissioner Harpootlian noted that the Commissioners are going to have a difference of opinion regarding the pool and stated that he agrees with Commissioner Clow that no dirt, or other elements that he would consider to be fill, are being added to the space.

Commissioner Harpootlian clarified that his motion is to continue the project to a future meeting of the Planning Commission. The motion was seconded by Commissioner Clow

Director Pedro stated that procedurally the applicant should state on the record whether she would agree to a continuance.

The applicant stated that she would agree to a continuance.

Commissioner Partridge suggested that the applicant attempt to keep the plantings below the roofline, and below the fence near the Maleks, and that they use the handout submitted by the applicant as a guide when developing a new landscape screening plan.

Chairman Collins stated that the planting suggestions will not be a part of the motion, however the applicant and the landscape architect have verbally committed to the changes.

Commissioner Harpootlian amended his motion to include that the plantings provided in the handout from the applicant should be used as guidelines for the landscape screening plans.

AYES: Commissioners: Abraham, Clow, Harpootlian, Partridge, and Chairman Collins  
NOES: None  
ABSENT: None  
ABSTAIN: None

The item will be continued to a future Planning Commission meeting.

4. OLD BUSINESS – none

5. NEW BUSINESS – none

6. REPORTS FROM CITY COUNCIL MEETINGS

- 6.1 Planning Commission Representative for January 19 – Chairman Collins
- 6.2 Planning Commission Representative for February 16 – Commissioner Clow
- 6.3 Planning Commission Representative for March 15 – Commissioner Partridge
- 6.4 Planning Commission Representative for April 19 – Commissioner Abraham

7. APPROVAL OF MINUTES

- 7.1 Approval of January 5, 2012 minutes.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS: Motioned by Commissioner Partridge and seconded by Commissioner Clow to approve the January 5, 2012 minutes, as corrected.

8. REPORTS FROM FAST TRACK MEETINGS – JANUARY 10 AND JANUARY 17, 2012

- 8.1 LANDS OF NG; 26480 Weston Drive; File #229-11-ZP-SD-GD; A request for a Site Development Permit for a new 6,197 square foot single story residence, driveway relocation, and a 860 square feet swimming pool (maximum height 24'). CEQA review: Categorical Exemption per Section 15303 (a) (staff-Brian Froelich).

- 8.2 LANDS OF MATHEWS; 12271 Hilltop Drive; File #254-11-ZP-SD; A request for a Site Development Permit for a new 4,423 square foot two story residence (maximum height 27') with a 680 square foot swimming pool. CEQA review: Categorical Exemption per Section 15303 (a) & (e) (staff-Nicole Horvitz).

9. REPORTS FROM SITE DEVELOPMENT MEETINGS – JANUARY 10 AND JANUARY 17, 2012

- 9.1 LANDS OF WAINNER, 13680 Robleda Road; File #276-11-ZP-SD-VAR; A request for a fence permit and a minor variance to install a six (6) foot tall solid fence (90 linear feet) with a reduced setback of 25 feet from the Robleda Court right-of-way centerline. CEQA Review: Categorical Exemption per Section 15303 (e) (staff-Nicole Horvitz).
- 9.2 LANDS OF LI, 25685 Fernhill Drive; File #241-11-ZP-SD; A request for a Site Development Permit for an 805 square foot single story addition. (Maximum height: 22'6"); CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Nicole Horvitz).

10. ADJOURNMENT

The meeting was adjourned by consensus at 10:38 p.m.

Respectfully submitted,

Sarah Corso  
Community Development Specialist

The minutes of the February 2, 2012, Planning Commission meeting were approved as corrected at the, March 1, 2012, Planning Commission meeting.